

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§
GEORGE DALE WIGINGTON,	§ Case No. 18-42230
Debtor.	§ Chapter 13
	§
	§
GEROGE DALE WIGINGTON,	§
Plaintiff,	§ Adv. Pro. No. 19-04074
v.	§
NATIONSTAR MORTGAGE LLC	§
D/B/A MR. COOPER AND	§
SELECT PORTFOLIO SERVICING, INC.,	§
Defendants.	§

ORDER ARISING FROM MANAGEMENT CONFERENCE

On August 13, 2020, the Court conducted, with appropriate notice to all parties, a Management Conference in the above-referenced adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 7016. Upon due consideration of the agreements and representations of the attorneys for the parties and of any unrepresented parties, and in order to facilitate the just, speedy and efficient disposition of this action, the Court issues this Scheduling Order pursuant to Federal Rule of Bankruptcy Procedure 7016 and Local Rule of Bankruptcy Procedure 7016.

ACCORDINGLY, IT IS THEREFORE ORDERED AS FOLLOWS:

1. PLEADINGS:

- A. Additional Parties. Except as authorized by the Court on the record at the Management Conference, no parties shall be added to this adversary proceeding after fourteen (14) days from the date of this Scheduling Order, unless leave for such relief is sought by written motion and subsequently granted by the Court.
- B. Amendment of Pleadings. Except as authorized by the Court on the record at the Management Conference, amended pleadings are to be filed only in accordance with Federal Rule of Bankruptcy Procedure 7015.

- C. Dispositive Motions. If applicable, parties are encouraged to promptly file motions to dismiss under Federal Rule of Bankruptcy Procedure 7012(b) or motions for summary judgment under Federal Rule of Bankruptcy Procedure 7056, so that they may be resolved prior to trial. Such motion(s) may be filed no later than twenty-one (21) days after the discovery deadline established under ¶ 2(G) of this Scheduling Order. All motions for summary judgment shall comply with the requirements of Local Rule of Bankruptcy Procedure 7056 and shall be decided under the procedures stated therein.
- D. Motion Practice. Parties shall comply with Local Rule of Bankruptcy Procedure 7007.

2. DISCOVERY:

- A. Marking Discovery Exhibits. All parties shall consecutively number or letter all exhibits referenced during depositions and other pre-trial discovery, in the manner required by Local Rule of Bankruptcy Procedure 7016(d), so that no two exhibits bear the same number or letter.
- B. Interrogatories. Each party choosing to submit written interrogatories pursuant to Federal Rule of Bankruptcy Procedure 7033 will be initially limited to propounding thirty (30) questions to each adverse party. In determining whether the limit has been met, each separate paragraph within a question and each sub-part contained within a question which calls for a separate response shall be counted as a separate question.
- C. Requests for Admission. Each party choosing to submit requests for admission pursuant to Federal Rule of Bankruptcy Procedure 7036 will be initially limited to twenty (20) requests to each adverse party. In determining whether this limit has been met, each separate paragraph within a request and each sub-part contained within a request which calls for a separate response shall be counted as a separate request.
- D. Additional Requests. Upon completion of party depositions and upon application for leave of Court to file further interrogatories or requests, the Court may permit further interrogatories or requests for admission upon a showing of good cause.
- E. Disclosures of Expert Testimony. The parties shall make their disclosures of expert testimony, if applicable, at least sixty (60) days prior to the discovery deadline and in the manner prescribed by Federal Rule of Bankruptcy Procedure 7026(a)(2), except that timing of expert disclosures for rebuttal purposes only shall be governed by the time expressed in Federal Rule of Bankruptcy Procedure 7026(a)(2)(C). Each party should file with the Court a “Notice of Expert Disclosure,” without accompanying documentation, at the time that the expert disclosures are made by that party. Any party that, without substantial justification, fails to make its expert disclosures in accordance with this provision

shall be subject to the sanctions set forth in Federal Rule of Bankruptcy Procedure 7037(c)(1)

- F. **Conduct During Discovery.** Any discovery request or response, whether written or oral, which is not presented in a manner consistent with the provisions of the Federal Rules of Bankruptcy Procedure, may result in the imposition of sanctions by the Court upon any party or any attorney for any party pursuant to Federal Rule of Bankruptcy Procedure 7037, 28 U.S.C. § 1927, or other applicable authority.
- G. **Discovery Deadline.** All discovery in this adversary proceeding must be completed on or before **November 30, 2020** unless leave of Court for additional time is sought by written motion and is subsequently granted by the Court.
- H. **Subpoenas.** Any subpoena pertaining to this adversary proceeding shall be governed by the provisions of Federal Rule of Bankruptcy Procedure 9016 which incorporates Federal Rule of Civil Procedure 45. Any subpoena to be issued by the Bankruptcy Clerk shall be prepared by the requesting party and such requesting party is solely responsible for the service and the return of such subpoena.

3. PARTIES MUST STRICTLY ADHERE TO THE TERMS OF THIS ORDER.

The deadlines, restrictions and procedures set forth in this Order should be strictly observed by all parties to this adversary proceeding and their attorneys. Any failure to comply with the terms of this Order may result in the imposition of sanctions by the Court upon any party or any attorney for any party pursuant to Federal Rule of Bankruptcy Procedure 7016(f).

4. TELEPHONIC TRIAL SCHEDULING CONFERENCE.

A telephonic trial scheduling conference will be held on **January 7, 2021 @ 9:29 A.M.** The parties, or their counsel who will be trying this matter, shall appear telephonically at the status conference. **The dial-in information is: 1-888-675-2535 – Access Code: 4225607. The Security Code for this Conference only is: 2021.**

The parties may not place the call on a speaker phone and if the party is using a mobile phone, the party must be in an appropriately quiet location.

Signed on 8/13/2020

Brenda T. Rhoades MD
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE